

**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES**

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

<b>Plaintiffs' Executive Committee for Personal Injury and Death Claims</b>	<b>Plaintiffs' Executive Committee for Commercial Claims</b>
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haeefe, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

February 14, 2022

The Honorable George B. Daniels  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

The Honorable Sarah Netburn  
United States Magistrate Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Daniels and Magistrate Judge Netburn:

The Plaintiffs' Executive Committees write to oppose the letter request at ECF No. 7650, by counsel for the *Havlish* plaintiffs,<sup>1</sup> asking that the Court modify the parties' obligation imposed in ECF No. 3070 to file all documents under the MDL docket. In addition to the Court's order at ECF No. 3070, the Court also addressed this issue more recently in ECF No. 6890 (Jun. 29, 2021), underscoring the parties' obligation to file documents on the MDL docket.

*First*, among the important rationales for the Court's requirement is to ensure orderly proceedings in the MDL. This Court and the parties have experienced instances in the past where parties have filed documents on only individual case dockets that have led to inefficiencies in managing the Court's docket. One example is the filings that prompted the Court's order at ECF

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<sup>1</sup> The PECs note that counsel for *Havlish* did not raise their inquiry among the PECs before making their request, despite that several members of the consortium of lawyers representing the *Havlish* plaintiffs are identified as being on a PEC. Particularly where issues such as this address changes to Case Management Orders affecting the orderly proceedings of the MDL, we ask the Court to reinforce the need for counsel to first confer with the PECs to allow for coordinated dialogue in advance of presenting issues for the Court's consideration.

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No. 6890. To avoid those inefficiencies, and to afford transparency among the parties' activities in the MDL, the Court should not modify its procedures as set out in ECF Nos. 3070 and 6890.

*Second*, despite *Havlish* counsels' intimation that *Havlish* proceedings concern only *Havlish*, we anticipate that the Court and *Havlish* counsel recognize that enforcement proceedings by a small percentage of the overall number of September 11, 2001 plaintiffs for assets to satisfy claims against a defendant common to thousands of the plaintiffs are proceedings that should be filed on the MDL docket.

Respectfully submitted,

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cc: All Counsel of Record via ECF